

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA

v.

VERNON ROMEO SPEAR,

Defendant.

CRIMINAL ACTION FILE

NO. 1:13-CR-432-MHC-JSA

ORDER

This action comes before the Court on the Final Report and Recommendation (“R&R”) of Magistrate Judge Justin S. Anand [Doc. 156] recommending that Defendant be found not competent to stand trial, that he be committed to the Attorney General for further evaluation, and that Defendants’ Pro Se Motion for Ineffective Assistance be denied without prejudice. The Order for Service of the R&R [Doc. 157] provided notice that, in accordance with 28 U.S.C. § 636(b)(1), the parties were authorized to file objections within fourteen (14) days of the receipt of that Order. See also FED. R. CRIM. P. 59(a). No objections have been filed. Absent objection, the district court judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge,” 28 U.S.C. § 636(b)(1), and need only satisfy itself that there is

no plain error on the face of the record. See United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983). The Court has reviewed the R&R and finds no clear error and that the R&R is supported by law.

Accordingly, the Court **ADOPTS** the R&R [Doc. 156] as the Opinion and Order of this Court. Defendant is found **NOT COMPETENT** to stand trial and it is hereby **ORDERED** that, in accordance with 18 U.S.C. § 4241(d)(1), Defendant shall be committed to the custody of the Attorney General for hospitalization in a suitable facility for a reasonable period of time, not to exceed four months, to allow for an assessment of “whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward.” 18 U.S.C. § 4241(d)(1). The Magistrate Judge shall thereafter hold a hearing to recommend an appropriate disposition for Defendant.

It is further **ORDERED** that Defendant’s Pro Se Motion for Ineffective Assistance [Doc. 153] is **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED this 28th day of March, 2018.



MARK H. COHEN
United States District Judge